

Approved Minutes of the Technical Advisory Committee Meeting
August 19, 2003

Members Present:	Roger Thompson	Bernie Chenette
	Allison Lowry	Gail Center
	Kim Crosby	John Forcier
	Rodney Pingree	Steve Revell
	Alan Huizenga	Spencer Harris
	Barb Willis	Dave Cotton
	Gerry Kittle	

Others Present:	Frank O'Brien	Jeff Wennberg
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Scheduled Meetings:

September 16, 2003	1-4 PM	Mad Tom Room
October 14, 2003	1-4 PM	Mad Tom Room

Review of Agenda –

The agenda was reviewed and revised. The recent decision related to a permit revocation hearing and a topic for innovative systems were added. It was also noted that the minutes to be reviewed were for the June 17, 2003 meeting, not the May 13, 2003 meeting.

Minutes –

Although recorded here in the usual progression, the minutes for the June 17, 2003 meeting were actually reviewed later in the meeting. Roger discovered that he had not e-mailed the minutes as he thought and did not have hard copies available. When the minutes were reviewed after the break it was decided to accept them as drafted.

Installation Certifications –

Roger distributed a handout reviewing a decision issued by the Commissioner related to a request for revocation of a permit. Anne Whiteley, hearing officer for the Commissioner, heard a request for a permit revocation. In the course of reviewing the information it was determined that there was no inspection certification for the project which had been substantially completed prior to issuance of the permit. Anne's analysis was that the statute and rules require any permit issued on or after June 14, 2002, when the statute became effective, must have an installation certification once the potable water and wastewater systems are substantially completed. Because the certification must reference a set of plans, there must be a certified set of plans, which can only be prepared by a licensed designer. Anne's analysis is that despite the ability in the rules to waive some or

all of the normally required information, the need for the inspection certification has primacy.

The handout includes direction for the regional office staff on how to apply this decision with the least disruption possible. Using the waiver provisions in the rules, the amount of information required on the plans may be minimized. Dave was concerned that this could be a “slippery slope” that would tend towards incomplete plans and/or understanding of the site. Jeff explained that he had been reluctant to make this decision but agreed with Anne that the plain reading of the rules required it. Jeff also said that the Department was committed to making the problem as easy to deal with as possible, did not want this to lead to digging up old pipes, and would work to get it fixed in the next rule revision. John thought that when the guidance to the regional offices is updated it should be made clear that a permit is still going to be issued.

Status of the Rules –

Roger gave a short update on what is happening. Dave and John expressed concern about the delays in getting the process moving. Steve added his concerns that it had been a long time since the advisory committee started and, somehow, something needed to be done. Jeff said that he agreed with the need, and the urgency, and that he was trying to push this as fast as possible while dealing with a shortage of attorney time.

Feedback –

John said that he was frustrated at having to wait several weeks for a permit based on municipal water and sewer connections, even though he knew all applications are handled in chronological order. He suggested that there be two piles, with “simple” projects in one and more complex ones in the other. The goal would be to have simple projects reviewed in two weeks. Jeff indicated he would look into this and see if it could be implemented. John also noted that there might be too much supervision going on in the regional offices and suggested that the staff could have more authority to make decisions on their own.

Roger noted that there has been substantial change in the Rutland office performance with old projects either already closed or at least on a schedule for closure in the next few months. He also noted that the Rutland office had 100% compliance with the performance standards for the last several months for projects first received in 2003.

Jeff mentioned the scanning project as another attempt to provide customer service. The plan is to create electronic copies of all files, which will ultimately be available on line.

Addison County Meeting –

Roger and Jeff attended a meeting arranged by legislators in Vergennes on August 13, 2003 at the Eagles Club. There were about 50 people including several legislators,

landowners, and consultants. The meeting was set up to allow people to raise issues about how the rules were working and what should be changed.

Steve said that he thought the meeting helped with some misunderstandings about the rules. He said he was struggling with the fact that even some very large lots did not have any places that could be approved even with the performance-based designs. Roger said that the rules were reviewed at the meeting and it was explained that ANR believed that the rules had been written to the minimums supported by science that would meet the directive to keep the effluent below the surface of the naturally occurring ground. Craig was at the meeting and affirmed that the topic had been discussed at the TAC and there was concurrence among committee members. This leads to the question of whether systems that surface, at least part of the time, should be approved or if there should be special rules for Addison County. Steve said that there couldn't be special rules, which everyone agreed with. Allowing surfacing systems would require a change in the fundamental principles of ANR that there should be no direct discharges to surface waters or surfacing of effluent. Dave said that technology exists which treats the effluent to a high level and then disinfects it with UV light that can produce effluent clean enough that some surfacing might be acceptable. Dave noted that drip disposal would be a method to minimize surfacing through low application rates. Dave also noted that systems could have 24 hour auto dialer notification of failures of the treatment system. Spencer said that part of the problem is caused by high design flows. Having to design for 420 GPD for a 3 BR house means systems have to be extremely large on poor soils. There was some discussion about using drip disposal with very low loading rates, which would avoid surfacing. Doing this with mound systems would be very expensive. It might be economical if the requirement to maintain 2' (filtrate) or 3' (septic tank effluent) of dry soil between the bottom of the system and the SHWT were reduced or eliminated. This might be done by replacing the requirement for the vertical separation with a requirement for an owned or controlled zone that would provide a two year time of travel separation between the wastewater system and any drinking water source. Jeff said that he had not had a detailed discussion with the administration but that he expected it was unlikely that there would be support for surfacing systems. He also noted that Wibs would support a small request for a demo project. Steve said there is interest in looking at existing wastewater systems in poor soils that appear to be functioning to see what can be learned. Rodney suggested that testing for nitrate and fecal coliform might be useful indicators. John asked if ANR had looked at what other states are doing, and went on to say there is no magic system so maybe treatment and disinfection should be accepted. Dave said he hoped that the next testimony before the legislature would be that ANR had approved several treatment systems and noted that a real change to deal with poor soils requires legislative change.

Innovative Systems –

Frank said that, other than what he received from the manufacturers, there were only a few comments on the draft approvals for the PuraFlo and Bioclere systems. Frank said that most states were moving in the direction of allowing reduced sizes for Infiltrator chambers.